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June 20, 2005

VIA FACSIMILE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.8)

This paper is being transmitted to the Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. via Fectimile. This paper is being transmitted to (703) 872-9306 on Jane 20, 2005.

Melissa K. Mosby

Re:

US Application No. 09/991,561 entitled "Database Management System and Method which Automatically Schedules and Performs Actions and Monitors

Results

Our Reference: 149-0041US

Dear Commissioner,

Enclosed for filing in the above-referenced matter please find the following documents:

1. Recordation of Substance of Interview Required Under 37 CFR 1.133

2. Terminal Disclaimer (2)

3. Information Disclosure Statement and PTO/SB/08A

The Commissioner is authorized to charge all fees necessitated by the enclosed documents to the deposit account of Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P Deposit Account No. 501922 referencing attorney docket no. 149-0041US.

If you have any questions or comments, please do not hesitate to contact me.

Coe H. Miles, Ph.D., J.D.

(Reg. No. 38,559)

cîn/mm Raclosures

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.

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PAGE 2/9 * RCVD AT 6/20/2005 6:06:34 PM [Eastern Day/light Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:832 446 2458 * DURATION (mm-ss):02-40

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information with	iss it displays a valid OMB control number.
TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) 149-0041US
REJECTION OVER A PENDING REFERENCE APPLICATION	
In re Application of: Melody Vos and Jeff Stavin	•
Application No.: 09/991,561	
Flied: November 21, 2005	
For: Database Management System and Mathod which Automatically Schedules and Performs Adions and Monitors Results	
The owner*, BMC Settware inc. of 100 percent interest in the instant application hereby disdelines, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 18850.710 fixed on 11/21/2001 as such term is defined in 35 U.S.C. 164 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for end during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.	
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 36 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application; in the event that any such patent; granted on the pending reference application; or the patent to pay a maintenance tee, is held ununforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reasonination certificate, is releasued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer field prior to its grant.	
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For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.	
I hereby declare that all etatements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or impresentment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
2. The undersigned is an attorney or agent of record. Reg. No. <u>\$8,669</u>	
<i>N</i> .	٠
	June 20, 2006
Signature	Date
Coe F, Miles Typed or printed name	
	832-448-2418
	Telephone Number
Terminal disclaimer fee under 37 CFR 1.20(d) is included.	
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"Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assigned (owner). Form PTO/SB/98 may be used for making this statement. See MPEP \$ 324.	
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